

Serial No.: 09/674,799  
Group Art Unit: 1645

IN THE CLAIMS:

Please cancel claims 30, 32, 33, 36-39, 40-52, and 55-61 without prejudice or disclaimer.

The pending claims are listed in the attached:

Appendix A1: Pending claims (clean copy).

- ☒ Changes in the pending claims relative to the last version of record are reflected in:

Appendix A2: Changes to claims (redline).

Please enter any new claims or changes reflected in Appendices A1 and A2.

**REMARKS**

Claims 27-61 were pending. Claims 27-61 were subject to a seven (7) way Restriction Requirement. In addition, Claims 27-30, 53, and 54 have been amended. Support for the amendments is apparent. Thus, no new matter is added.

Election/Restriction

Applicants hereby elect to prosecute Group I (claims 27-30, 34, 35 53, and 54), without traverse. While the election of Group I is without traverse, Applicants reserve the right to traverse restriction requirements between the other asserted claim groups. Applicants provisionally elect SEQ ID NO:2, but will seek to keep the highly related sequences together.

FEE DEFICIENCY

- ☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

and/or

- ☒ If any additional fee is required for consideration of this paper, please charge Account No. 50-0258.

Closing Remarks

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Entry of the Response & Amendment and allowance of the pending claims are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A. E. Jackson', is written over a horizontal line.

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**Appendix A2: Changes to claims (redline).**

27. An isolated polypeptide comprising a member selected from the group consisting of
- (a) an amino acid sequence ~~which has at least 90% identity to~~matching SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, or SEQ ID NO:8;
  - (b) an immunogenic polypeptide comprising a fragment of the amino acid sequence of (a), wherein the immunogenic fragment is at least 90% identical to an aligned contiguous segment of SEQ ID NO:2; and (c) ~~an immunogenic fragment of the~~15 amino acid sequence of (a) acids that matches an aligned contiguous segment of SEQ ID NO:2 ~~with no more than five single amino acid substitutions, deletions~~2, SEQ ID NO:4, SEQ ID NO:6, or additionsSEQ ID NO:8;

wherein the isolated polypeptide, when administered to a subject in a suitable composition which can include an adjuvant, or a suitable carrier coupled to the polypeptide, induces an antibody or T-cell immune response ~~that recognizes~~to a polypeptide having the sequence of SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, or SEQ ID NO:8;

28. The isolated polypeptide of claim 27, wherein the ~~immune response recognizes an antigen having molecular weight 17-18kD (by SDS PAGE) in Moraxella catarrhalis strains 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2926, 2931, 2956, 2960, 2969, and 2975.~~ polypeptide is according to (a).

29. The isolated polypeptide of claim 27, wherein the ~~immunogenic fragment of~~polypeptide is according to (b) comprises at least 15 amino acids.

31. The isolated polypeptide of claim 27, wherein the immunogenic fragment of (b) comprises at least 20 amino acids.

34. The isolated polypeptide of claim ~~32~~27, wherein the isolated polypeptide consists of ~~the amino acid sequence of~~SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, or SEQ ID NO:8.

54. The vaccine of Claim 53, wherein the ~~composition~~vaccine comprises at least one other *Moraxella catarrhalis* antigen.